forming a closed circulating separating edge in a form comparable to a wood drill in this region of the water jet, wherein this separating edge exhibits naturally an increased separating force relative to a straight water jet.

26. (new) The method for separating biological structures according to claim 201 further comprising the steps of:

withdrawing a water amount entered through the supply capillary again from the tissue region through the discharge capillary if desired.

REMARKS

Claims 1 through 12 continue to be in the case.

New claims 15 through are being submitted.

New claim 15 is based on the specification page 11, line 8 and Fig. 1..

New claim 16 is based on the language of the specification, page 11, line11 and Fig. 1 of the drawing.

New claim 17 is based on the language of the specification, page 11, line11 and Fig. 1 of the drawing.

New claim 18 is based on the language of the specification, page 11, line11 and Fig. 1 of the drawing.

New claim 19 is based on the language of the specification, page 12, line1 through 8 and Fig. 1 of the drawing.

New claim 20 is based on the language of the specification, page 14, lines 4 through 9.

New claim 21 is based on the language of the specification, page 14, lines 10 through 18.

New claim 22 is based on the language of the specification, page 14, last line through page 15, line 2.

New claim 23 is based on the language of the specification, page 15, lines 2 through 4.

New claim 24 is based on the language of the specification, page 15, lines 5 through 13.

New claim 25 is based on the language of the specification, page 15, line 13 through page 16, line3.

New claim 26 is based on the language of the specification, page 16, lines 11 through 12.

Claims 1-12 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Kaga et al. (U.S. Patent No. 5, 609, 781).

Kaga et al. teach a device comprising a pressure flow generator an automatic control unit (20), a supply capillary connected to a high frequency current supply device e.g. gas and a separating nozzle having a circular cross-section (2). The nozzle is disposed fixedly positioned and coaxial with the supply capillary (see Fig. 38 – 42); further, the nozzle includes at least one twisted groove, wherein the number of twisted grooves and the diameter and the length of the nozzle channel are placed in such a ratio to each other that the separating jet subjected to pressure is rotated. Kaga et al. have all the features of the invention but Kaga et al. failed to teach a water jet device and the slope of the spiral flutes is dimensioned larger than the diameter of the nozzle channel and wherein the spiral flutes exhibit a slope angle of from about 39 to 45 degrees, it would have been obvious to one having ordinary skills in the art at the time the invention was made to substitute gas jet for water jet for dispensing. Furthermore, it would have been obvious to one skilled artisan in the art to have the slope of the

spiral flutes is dimensioned larger than the diameter of the nozzle channel and wherein the spiral flutes exhibit a slope of from about 30 to 45 degrees to achieve a better flow and the jet is subjected to a rotating pressure.

Applicant respectfully disagrees.

According to column 2, lines 64 and 65, Kaga et al. furnish a machining head in a laser machining apparatus. That means that the laser performs the cutting and the gas mixture serves to provide a suitable ambient for the laser cutting.

Kaga et al. do not give any suggestion that their gas mixture will perform any cutting operation. Thus a person of ordinary skill in the art interested in a cutting machine employing a gas for cutting would not look to the Kaga et al. reference since no gas cutting is taught. Even less would ason of ordinary skill in the art interested in biological liquid cutting look toward Kaga et al, since Kaga et al do not teach any fluid catting, but only a gas mixture for machine laser cutting.

Reconsideration of all outstanding rejections is respectfully requested.

All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,

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